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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,683	08/21/2003	Vernon D. Erickson	P1955US00	8301

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EXAMINER	
PAPE, ZACHARY	

ART UNIT	PAPER NUMBER
2835	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H·A

Office Action Summary	Application No.	Applicant(s)	
	10/645,683	ERICKSON ET AL.	
	Examiner	Art Unit	
	Zachary M. Pape	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,12-19 and 21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *9,10 and 12-19* is/are allowed.

6)☒ Claim(s) *1,2,4,6-8 and 21* is/are rejected.

7)☒ Claim(s) *3, 5* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The following detailed action is in response to the correspondence filed 10/21/2005.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4, 6-8 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Vier et al. (US 6,337,793).

With respect to claim 1, Vier et al. teaches an apparatus for securing an electronic component within a chassis, comprising: a frame (10) including a pair of spaced apart brackets (19 & 21) for accepting an electronic component (42) therein; a cover (16) connected to the frame, said cover being configured so as to permit access to the accepted electronic component; and securing devices (18, 20) mounted to at least one of the frame (10) and the cover (16) for engaging the accepted electronic component within the frame (As illustrated in Fig 6); wherein the securing device is configured so that closing the cover automatically causes the securing device to engage the accepted electronic component (As illustrated in Fig 6, see also Column 3, Lines 58-62); and wherein the securing device (18, 20) is biased toward a position that disengages the securing device from the accepted electronic component such that

opening the cover releases the securing device from engagement with the accepted electronic component (As implied by Column 3, Lines 50-67; the cover (16) is at rest as illustrated in Figs 2 and 5 such that members 24, 26, and 40 all bias the door slightly outward (I.E. the securing device is biased toward a position that disengages the device from the component) the cover is then placed into the closed position by the user as illustrated in Figs 6 and 7 (See specifically Column 3, Lines 58-59 wherein Vier states, "the door is **then** moved to the closed position")).

With respect to claim 2, Vier et al. further teaches that the securing devices (18 and 20) extends through the interior of the frame (As illustrated in Fig 2) and into engagement with a corresponding structure included in the accepted electronic component (As illustrated in Fig 6).

With respect to claim 4, Vier et al. further teaches that the securing device (18, 20) is a biased pin for engaging the accepted electronic component (The pins as disclosed in Vier et al. are used to fix the device drive into a stationary position to reduce movement of the drive. When a force of any nature is applied to the drive, the pins apply an opposite force to keep the drive steady and in place. Thus the pins create a preferred position for the drive and are considered to be bias).

With respect to claim 6, Vier et al. teaches a panel cover (16) which is configured to be detachable from the frame (10 - Column 3, Lines 28-30).

With respect to claim 7, Vier et al. teaches a panel cover (16) which is pivotally (rotatably) connected via a hinge assembly (32 - Column 3, Lines 25 – 28).

With respect to claim 8, Vier et al. teaches that a peripheral device (42) can include such devices as a hard disk, or a compact disk drive (Column 3, Lines 43-45).

With respect to claim 21, Vier et al. teaches an apparatus for securing an electronic component, comprising: a frame (10) configured to removably accept an electronic component (42) therein; a cover (16) connected to the frame, said cover being configured so as to permit access to the accepted electronic component; and a securing device (18, 20) mounted to at least one of the frame and the cover (As illustrated in Fig 6), the securing device being movable between an engaging position (As illustrated in Fig 6 and 7) wherein the securing device is capable of engaging the electronic component when the component is accepted in the frame, and a releasing position (As illustrated in Figs 2 and 5) wherein the securing device is capable of releasing the electronic component when the component is accepted in the frame; wherein the securing device is biased toward the releasing position (Members 24, 26, and 40 will inherently bias the cover (16 – and consequently the securing device 20) outward since the cover must be pressed into place such that members 24, 26 and 40 engage (See Column 3, Lines 58-67); wherein the securing device is configured so that closing the cover moves the securing device into the engaging position and opening the cover moves the securing device toward the releasing position (As illustrated in Figs 5 and 6, and as detailed in Column 3, Lines 51-67).

Allowable Subject Matter

2. Claims 9-10, 12-19 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to claims 9-10, 12-17, the allowability resides in the overall structure of the device as recited in independent claim 9 and at least in part because claim 9 recites, "wherein the securing device is a spring lever including a protrusion for engaging the accepted electronic component".

The aforementioned limitations in combination with all remaining limitations of claim 9 are believed to render said claim 9 and all claims dependent therefrom (10,12-17) patentable over the art of record.

With respect to claims 18-19, the allowability resides in the overall structure of the device as recited in independent claim 18 and at least in part because claim 18 recites, "wherein the securing means is at least one of a spring lever including a protrusion for engaging the accepted electronic component and a biased pin for engaging the accepted electronic component".

The aforementioned limitations in combination with all remaining limitations of claim 18 are believed to render said claim 18 and all claims dependent therefrom (19) patentable over the art of record.

3. Claims 3 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 3, the allowability resides in the overall structure of the device as recited in dependent claim 3 and at least in part because claim 3 recites, "the securing device is a generally arcuate lever".

The aforementioned limitations in combination with all remaining limitations of claims 1 and 3 are believed to render said claim 3 patentable over the art of record.

With respect to claim 5, the allowability resides in the overall structure of the device as recited in dependent claim 5 and at least in part because claim 5 recites, "a captured coil spring".

The aforementioned limitations in combination with all remaining limitations of claims 1, 4 and 5 are believed to render said claim 5 patentable over the art of record.

Response to Arguments

4. Applicant's arguments filed 10/21/2005 have been fully considered but they are not persuasive.

With respect to applicants' remarks regarding claims 1 and 21 (And subsequent claims 2-3, 4, 6-8) that gravity naturally forces the retaining member (20) of Vier et al. to be biased in a closed or engaged position, the examiner respectfully disagrees. As cited above, Column 3, Lines 51-67 clearly imply that there are in fact two states which the cover (16) can be in. A first position, as illustrated in Figs 2 and 5 where the cover is open (designated as O) where members 24, 26, and 40 are all disengaged from the cover, and a second position, as illustrated in Figs 6 and 7 where the cover is closed (designated as C) where members 24, 26 and 40 are all engaged with the cover and the

retaining member (20) is engaged with the electronic device. The examiner asserts that the door is in fact biased slightly outwardly as illustrated in Fig 2 for at least the reason that gravity is not enough for the engagement members to latch the cover (16) as shown in Fig 6. The specification of Vier et al. further lends support to such an assertion as specifically noted in Column 3, Lines 58-59 where Vier states, "the door is then moved to the closed position" suggesting that the door has two states and requires the user to press the cover into the closed position, engaging members 24, 26, and 40 as well as the retaining member (20) into the electronic device (See also Column 3, Lines 59-62). For this reason the examiner believes that the naturally occurring state of the cover (door) will be as illustrated in Figs 2 and 5 and thus the naturally occurring state of the securing device (20) is also outwardly, and not actively securing the electronic device.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary M. Pape whose telephone number is 571-272-2201. The examiner can normally be reached on Mon. - Thur. & every other Fri. (8:00am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached at 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ZMP

ANATOLY VORTMAN
PRIMARY EXAMINER